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5 UNITED STATES DISTRICT COURT
6 FOR THE WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 BARBARA STUART ROBINSON,

9 Plaintiff,

10 v.

11 CITY OF SEATTLE,

12 Defendant.

CASE NO. 2:24-cv-01004-RSL

ORDER OF DISMISSAL

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14 On July 10, 2024, plaintiff's application to proceed *in forma pauperis* was granted
15 and her complaint was accepted for filing. Plaintiff alleges that she placed a 911 call to the
16 Seattle Police Department on June 30, 2024, regarding a public nuisance at the intersection
17 of 3rd Avenue and Pike Street in downtown Seattle. Despite being told that someone would
18 respond, no officers arrived, rendering passage through the intersection dangerous and
19 causing plaintiff harm. Plaintiff asserts that the City of Seattle failed to carry out duties
20 owed under state law and seeks to hold it liable under 42 U.S.C. § 1983.
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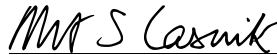
22 Title 42 U.S.C. § 1983 provides a cause of action for the "deprivation of any
23 rights, privileges, or immunities secured by the Constitution and laws" of the
24 United States. To state a claim under § 1983, a plaintiff must allege two
25 essential elements: (1) that a right secured by the Constitution or laws of the
26 United States was violated, and (2) that the alleged violation was committed
by a person acting under the color of State law. *West v. Atkins*, 487 U.S. 42,
48 (1988).

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2 *Long v. Cnty. of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir. 2006). When the Court
3 pointed out that plaintiff had alleged violations of state, not federal, law, plaintiff filed an
4 amended complaint asserting “[a] Right Secured by the Constitution or laws of the United
5 States was violated” and that jurisdiction is proper under § 1983.
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7 The amendment does not cure the deficiency identified by the Court. A vague
8 reference to rights afforded by federal law is insufficient to put the City on notice of what
9 it is alleged to have done wrong. There are no facts that could support a claim that plaintiff
10 was denied due process, that she was deprived of life, liberty, or property, that she was
11 discriminated against, that her rights to free speech, freedom of religion, or freedom from
12 search/seizure were violated, or that any other federal right is at issue. The facts alleged
13 still suggest only a violation of state laws and duties related to oaths of office and public
14 nuisance. Plaintiff has simply recited the bare elements of a § 1983 claim without any facts
15 suggesting that she has a plausible right to relief under that statute.
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19 For all of the foregoing reasons, the above-captioned matter is DISMISSED for lack
20 of jurisdiction.
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22 Dated this 15th day of July, 2024.

23 
24 Robert S. Lasnik
25 United States District Judge
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